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August 30, 2006

Corbin Davis
Clerk of the Court
Michigan Supreme Court
P.O. Box 30052
Lansing, MI 48909

306 Townsend Street
Michael Franck Building
Lansing, MI
48933-2083

**RE: ADM File No. 2005-22
Proposed Amendment of Rule 3.972 of the Michigan Court Rules**

Dear Clerk Davis:

The Executive Committee of the State Bar of Michigan considered the above proposed amendment published for comment. After careful consideration and review of a recommendation made by the Justice Initiatives Committee, the Committee adopted a position of opposition to the proposal. The Justice Initiatives Committee expressed concern that the proposal would allow for hearsay arguments obtained in potentially unreliable circumstances to be used in court proceedings. A statement that is overheard by a third-party observer should not be permissible. The circumstances under which current court rules allow for hearsay statements to be admitted more appropriate and are sufficient.

We appreciate the opportunity to offer this position for the Court's consideration. Please contact me with any further questions.

Sincerely,

John T. Berry
Executive Director

cc: Anne Boomer, Administrative Counsel, Michigan Supreme Court
Thomas W. Cranmer, President
Janet Welch, General Counsel